

Docket No.: 2815-0444PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Anne M. HEEGAARD et al.

Application No.: 10/623,150

Confirmation No.: 5193

Filed: July 18, 2003

Art Unit: 1636

For: METHOD FOR SCREENING COMPOUNDS
FOR ACTIVITY IN TREATING AN
OSTEOCLAST RELATED BONE DISEASE

Examiner: J. A. Dunston

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FINAL REJECTION)

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. COPIES

☒ Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.

III. CONCISE EXPLANATION OF THE RELEVANCE

(Check at least one box)

☐ a. DOCUMENTS IN THE ENGLISH LANGUAGE - Some or all of the patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☐ c. ENGLISH LANGUAGE SEARCH REPORT - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

☒ d. OTHER - The following additional information is provided for the Examiner's consideration.

References CA and CC listed on the USPTO Form SB-08 are letters from one of the inventors, Morten Karsdal, which were received by the undersigned. Reference CB is comments from NeuroSearch A/S, a real-party-in-interest to the invention, which were sent to the undersigned in response to Reference CA (the letter of March 28, 2008 of Mr. Karsdal). The undersigned believes that the comments in the three letters (References CA, CB and CC) are self-explanatory; however if the Examiner has any questions regarding any points raised in either letter she is requested to please contact the undersigned at the number listed below.

The letters of Mr. Karsdal (References CA and CC) discuss two scientific journal articles, which are listed on the USPTO Form SB-08 as CD and CE. A copy of Gay et al. (Reference CD) is submitted herewith. Schaller et al. (Reference CE) is previously of record in the instant application, having been cited by the Examiner on the PTO Form-892 issued with

the office action of August 24, 2005. However, an additional copy is submitted herewith for the Examiner's convenience.

THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d): After the mailing date of a Final Action under § 1.113. See the Statement Under 37 C.F.R. § 1.97(e).

IV. STATEMENT UNDER 37 C.F.R. § 1.97(e)

(check only one box)

The undersigned hereby states that:

☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

☐ b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

☐ d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to

the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

V. PAYMENT OF FEES (check one box)

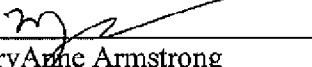
☒ The required fee is listed on the attached Fee Transmittal.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 16, 2008

Respectfully submitted,

By 
MaryAnne Armstrong
Registration No.: 40,069
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatchouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s):

- ☒ PTO-SB08
- ☒ Documents
- ☐ Foreign Search Report
- ☒ Fee
- ☐ Other: